

## **FREQUENTLY ASKED QUESTIONS ABOUT GUAM WAR CLAIMS**

**July 20, 2004**

### **What is the status of Guam war claims?**

While progress is being made on resolving the issue of Guam war claims, there is currently no process for submitting claims for compensation. Public Law 107-333, introduced by former Congressman Robert Underwood, established a Guam War Claims Review Commission to determine whether the residents of Guam who experienced the occupation during World War II were treated fairly in relation to other U.S. citizens and nationals who received war claims. The Review Commission held public hearings in Guam on December 8-9, 2003, the anniversary of the invasion of Guam by enemy forces. The Review Commission presented their final report to Congress and the Secretary of the Interior on June 9, 2004. On July 21, 2004, the 60<sup>th</sup> Anniversary of the Liberation of Guam, the U.S. House Committee on Resources will hold an Oversight Hearing in Washington, D.C. on the Review Commission's final report.

### **Who served on the Review Commission?**

The five-member Review Commission, appointed by the U.S. Secretary of the Interior, was sworn-in on October 3, 2003.

Serving as Chairman of the Review Commission was the Honorable Mauricio J. Tamargo, Chairman of the Foreign Claims Settlement Commission of the United States under the U.S. Department of Justice. Former Speaker Antonio R. Unpingco of the Guam Legislature served as Vice-Chairman. The other three Commissioners were Benjamin J. Cruz, former Chief Justice of the Supreme Court of Guam, Former U.S. Representative Robert J. Lagomarsino (R-California, 1973-1992) and Mrs. Ruth G. Van Cleve, Director of the U.S. Department of the Interior's Office of Insular Affairs (1964-1969, 1977-1981).

### **How did the Review Commission conduct their review?**

The Review Commission received testimony, and legal, legislative, and historical documentation regarding war claims awarded to United States citizens and nationals. The Review Commission further received testimony regarding the experience of individuals who survived the World War II occupation of Guam during a public hearing held in Guam on December 8, 2003, the anniversary of enemy invasion. Testimonies on these individual cases are illustrative of the experience of the people of Guam in the war reparations process following the occupation.

### **Has the Review Commission completed their work?**

Yes. The Review Commission submitted the "*Report on the Implementation of the Guam Meritorious Claims Act of 1945*" to the U.S. Secretary of the Interior and Congress on June 9, 2004. The report is available on Congresswoman Bordallo's Web site: << <http://www.house.gov/bordallo> >>.

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### **What were the findings made by the Review Commission?**

The Review Commission acknowledged the hardship and suffering endured by the people of Guam during the Japanese occupation and recognized their courageous loyalty to the United States. With regards to the war claims process, the Review Commission found that there was inequality in the amount of compensation paid, interest payments on claims, types of eligible claims, and length of filing periods as compared to other similar war claims acts.

Another source of inequality the Review Commission found with respect to the Guam Meritorious Claims Act of 1945 was that the Guam commission did not include local representation. An inadequate public awareness effort informing the people of Guam of the war claims process also contributed to the inadequacy of the program. This was worsened by a lack of resources, including attorneys to represent individual residents in claims proceedings.

The Review Commission further found inequality in the claims process which often resulted in undervaluing of real and personal property. Other sources of inequality were the types of injury that could be claimed, the processing of death claims, the claim amounts, and the basis for calculating compensation amounts.

### **What are the recommendations of the Review Commission?**

The Review Commission has recommended that the United States provide additional compensation to two categories of eligible claimants. Category I claimants are those who died as a result of the war. In this category, immediate family members would be eligible for \$25,000 in compassionate compensation. Category II claimants are those who suffered personal injury (broadly defined to include almost all of Guam's population) as a result of the war. Category II claimants would be eligible for up to \$12,000 in compassionate compensation. The Review Commission also recommended that Category II eligible claimants be limited to those who suffered personal injury as a result of the war and who were alive as of January 1, 1990.

### **Why did the Review Commission recommend that compensation be limited to individuals who were alive as of January 1, 1990 and their survivors?**

The Review Commission's recommendation to provide compensation to heirs of the survivors who suffered personal injury but are not alive at the date of enactment of legislation is unprecedented. The Review Commission has justified using January 1, 1990, instead of the date of enactment of legislation because this was "the last time that the Administration, the leadership of the U.S. Congress, and the leadership of the Guam Legislature were within reach of achieving agreement" on legislation to compensate the claims of the people of Guam arising from World War II. The Review Commission has held that by setting the 1990 date, it will be providing for compensation for a greater number of individuals than would otherwise be possible.